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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,564	10/02/2003	John Timothy Sims		9284

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EXAMINER	
PARSLEY, DAVID J	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,564	SIMS, JOHN TIMOTHY	
	Examiner	Art Unit	
	David J Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 9-19-04 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5-7, 9, 11-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,914,895 to Mize in view of U.S. Patent No. 4,890,411 to Buccilli et al.

Referring to claim 1, Mize discloses an attractable fish attractant slug capable of being attached to a fishing apparatus having a fishing line – proximate 28, a swivel – at 34, placed on the line and a lure – at 38, comprising a body – at 10, having a leading extreme – proximate 18, a trailing extreme – proximate 14,16, and an exterior surface – see for example figures 1 and 5, a center bore – at 14-18, running through the body from the leading extreme to the trailing extreme – see for example figures 1 and 5, wherein the exterior surface opens into a non-straight groove –

at 18, connecting the exterior surface to the center bore – see for example figures 1 and 5, wherein the center bore – at 14-18, is larger than the swivel – at 34, but smaller than the lure – at 38, along its entire length so that the attractant slug can travel along the fishing line and over the swivel before coming to rest against the lure – see for example figures 1 and 5. Mize does not disclose the body is formed of a water-soluble substance containing fish attractant. Buccilli et al. does disclose the body – at 10,20,30,40,70,80,90, is formed of a water-soluble substance containing fish attractant – see for example column 3 lines 2-16. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize and add the water-soluble body containing fish attractant of Buccilli et al., so as to allow provide an additional fish attracting element to be used in conjunction with the fishing lure, to increase the likelihood of catching fish.

Referring to claims 3 and 6 Mize as modified by Buccilli et al. further discloses the non-straight groove – at 94,96 is zigzag shaped or chevron-shaped – see figures 11-12 of Buccilli et al.

Referring to claim 5, Mize as modified by Buccilli et al. further discloses the non-straight groove assumes the form of a crescent – see at 18 at the front portion of item 10 in figures 1 and 5 of Mize.

Referring to claims 7, 9 and 11-12 Mize as modified by Buccilli et al. further discloses the water soluble substance is a soluble polymer – see column 1 lines 63-68 of Buccilli et al.

Referring to claim 19, Mize discloses a method for placing a fish attractant slug in close proximity to a lure, wherein the lure is attached to a fishing apparatus having a rod (inherent), a fishing line – proximate 28, extending from the rod, a swivel – at 34, placed on the line and a

lure – at 38, and wherein the lure is being trolled through the water, comprising, a body – at 10, having a leading extreme – proximate 18, a trailing extreme – proximate 14,16, and an exterior surface – see for example figures 1 and 5, a center bore – at 12,14,16, running through the body from the leading extreme to the trailing extreme – see for example figures 1 and 5, wherein the exterior surface opens into a non-straight groove – at 18, connecting the exterior surface to the center bore – see for example figures 1 and 5, wherein the center bore is larger than the swivel but smaller than the lure along its entire length so that the attractant slug can travel along the fishing line and over the swivel before coming to rest against the lure – see for example figures 1 and 5, attaching the fish attractant slug to the fishing line proximate the rod by urging the fishing line – at 28, through the non-straight groove – at 18, and into the center bore – at 12-16 – see for example figures 1 and 5, releasing the fish attractant slug, so that gravity pulls the fish attractant slug down into the water, where the fish attractant slug will be urged along the fishing line by hydrodynamic forces until it comes to rest against the lure – see for example figures 1 and 5. Mize does not disclose the body is formed of a water-soluble substance containing fish attractant. Buccilli et al. does disclose the body – at 10,20,30,40,70,80,90, is formed of a water-soluble substance containing fish attractant – see for example column 3 lines 2-16. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize and add the water soluble body containing fish attractant of Buccilli et al., so as to allow provide an additional fish attracting element to be used in conjunction with the fishing lure, to increase the likelihood of catching fish.

Claims 2, 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mize as modified by Buccilli et al. as applied to claims 1 or 19 above, and further in view of 2,599,973 to Bujaky.

Referring to claim 2, Mize as modified by Buccilli et al. does not disclose the non-straight groove is helical. Bujaky does disclose the non-straight groove – at 14, is helical – see figures 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize as modified by Buccilli et al. and add the helical groove of Bujaky, so as to allow for the device to be easily attached and removed from a fishing line.

Referring to claim 8, Mize as modified by Buccilli et al. and Bujaky further discloses the water-soluble substance is a soluble polymer – see column 1 lines 63-68 of Buccilli et al.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mize as modified by Buccilli et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,388,368 to Lawrence.

Referring to claim 4, Mize as modified by Buccilli et al. does not disclose the non-straight groove is an S-curve. Lawrence does disclose the non-straight groove – at 5, 6, 6' or 13 is an S-curve – see figures 4-9. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize as modified by Buccilli et al. and add the S curve groove of Lawrence, so as to allow for the device to be easily attached and removed from a fishing line.

Referring to claim 10, Mize as modified by Buccilli et al. and Lawrence further discloses the water-soluble substance is a soluble polymer – see column 1 lines 63-68 of Buccilli et al.

Claims 13, 15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mize as modified by Buccilli et al. as applied to claims 1, 3 or 5-6 above, and further in view of

Visser. Mize as modified by Buccilli et al. does not disclose the attractant is from a group consisting of menhaden. Visser does disclose the attractant is menhaden – see column 1 lines 63-67. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize as modified by Buccilli et al. and add the attractant being menhaden of Visser, so as to make the device more attractive to fish.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mize as modified by Buccilli et al. and Bujaky as applied to claim 2 above, and further in view of Visser. Mize as modified by Buccilli et al. and Bujaky does not disclose the attractant is from a group consisting of menhaden. Visser does disclose the attractant is menhaden – see column 1 lines 63-67. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize as modified by Buccilli et al. and Bujaky and add the attractant being menhaden of Visser, so as to make the device more attractive to fish.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mize as modified by Buccilli et al. and Lawrence as applied to claim 4 above, and further in view of Visser. Mize as modified by Buccilli et al. and Lawrence does not disclose the attractant is from a group consisting of menhaden. Visser does disclose the attractant is menhaden – see column 1 lines 63-67. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Mize as modified by Buccilli et al. and Lawrence and add the attractant being menhaden of Visser, so as to make the device more attractive to fish.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing lures with channels extending through their bodies in general:

U.S. Pat. No. 2,609,633 to Cracker – shows lure with swivel inside channel

U.S. Pat. No. 3,872,616 to Poland – shows slug with through channel

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Parsley
Patent Examiner
Art Unit 3643

SUPERVISORY PATENT EXAMINER